

VZCZCXRO4960
OO RUEHPT
DE RUEHBY #1099/01 3480724
ZNY CCCCC ZZH
O 140724Z DEC 09
FM AMEMBASSY CANBERRA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2431
INFO RUEHKO/AMEMBASSY TOKYO 3764
RUEHWL/AMEMBASSY WELLINGTON 0182
RUEHBN/AMCONSUL MELBOURNE 6839
RUEHPT/AMCONSUL PERTH 5103
RUEHDN/AMCONSUL SYDNEY 5108
RUCPDO/DEPT OF COMMERCE WASHINGTON DC
RHEHNSC/NSC WASHINGTON DC

C O N F I D E N T I A L SECTION 01 OF 02 CANBERRA 001099

NOFORN
SIPDIS

STATE FOR OES/OA BALTON, PHELPS, L/OES BENES, COMMERCE FOR
NOAA MEDINA, MCMASTER

E.O. 12958: DECL: 12/15/2019
TAGS: [SENV](#) [EFIS](#) [PREL](#) [AS](#)
SUBJECT: RUDD STEPS UP RHETORIC ON WHALING

REF: CANBERRA 976

Classified By: Political-Economic Counselor Edgard Kagan, Reasons 1.4(b)
(d).

11. (C/NF) Summary: Australia is growing increasingly frustrated with lack of progress on whaling with Japan as the Japanese whaling fleet is about to start its annual hunt in Antarctic waters. PM Rudd will raise whaling with Japanese PM Hatoyama in response to perceived Japanese escalation of the issue last week. With activists due to confront the Japanese scientific whaling fleet this week, public pressure on Rudd to take a tough line with Japan is mounting. The lack of substantive concessions by Japan, and a perception that Japan and other whaling nations are manipulating the Support Group format to slide out from under agreements in Santiago have strengthened advocates of legal action against Japan in Canberra. Rudd was careful to highlight diplomatic efforts, but if progress stalls, the GOA's ability to sustain those efforts through IWC 62 next year will be reduced. End Summary.

RUDD REAFFIRMS LEGAL ACTION OPTION

12. (SBU) PM Rudd said on December 10 that Australia was pursuing a diplomatic solution to the whaling issue, but that if that track failed then Australia would take legal action against Japan in the appropriate venue. While largely restating the existing position, Rudd left out mention of other options, toughening Australia's public position. At the same time, the Japanese JARPA II whaling fleet is now in Southern waters and anti-whaling activists (led by the Sea Shepherd Conservation Group) are expected to clash with the fleet beginning this week. Rudd's visit to Japan, while not intentionally planned around this event, will come at a time when public concerns over whaling are peaking.

13. (C/NF) The PM was careful merely to restate Australia's current position, according to Scott Dewar, Foreign Policy Advisor to the PM. Dewar acknowledged that such a statement from the PM immediately before a trip to Japan sent a strong signal. He stressed that pushing forward with a diplomatic approach while holding open the possibility of international legal action has been Australia's position for two years (i.e. since the PM took office) but that the lack of progress or any sign of Japanese flexibility means that the GOA is reaching a point where it must either make a decision or adopt a new policy. Noting ongoing discussions at the International Whaling Commission, Dewar said that Japan has not shown any real sign of agreeing to the kind of reduction

in numbers that would make it possible for Australia to support a deal. While international legal action carries risks, Dewar said that the PM believes the Japanese are genuinely worried at the prospect and that raising the possibility both publicly and during the PM's December 15 meeting with Hatoyama strengthens the hand of negotiators.

RUDD WILL RAISE WHALING IN TOKYO

14. (C/NF) Environment Minister Peter Garrett's chief of staff, David Williams, told econoff that Rudd's comments were clearly stating the government's long-held position. He said the remarks were not a hardening of Australia's position but showed stiffened resolve in the face of Japanese lack of response to diplomatic overtures. Department of Foreign Affairs and Trade negotiator Paula Watt said the PM's brief on whaling for the trip was being substantially revised and upgraded. Watt and Williams both pointed to public statements from Japanese FM Okada last week, a refusal to discuss the range of a reduction for or reduce whale quotas and stalling in recent support group meetings as reasons why the PM needed to send this message. FM Okada's comments, particularly on the eve of Rudd's visit, were seen as a slap in the face and undermined confidence that Japan is serious about making progress on this issue.

15. (C/NF) Watt appeared disheartened over the recent support group meeting in Seattle. She said that the Japanese actions in the recent IWC and related sub-venue meetings are intended to split off anti-whaling countries one by one and isolate

CANBERRA 00001099 002 OF 002

Australia. Recognizing that the risk of escalation with Japan was high, Watt said that the timeframe for seeing this process through the IWC 62 meetings next year was now questionable. Williams echoed that concern, saying Rudd and the government would be under great pressure to take action before IWC 62 if diplomacy is seen as a dead end. Japanese unwillingness to signal any concession until late January meant that it would be too late to respond if the offer was inadequate. Watt suggested this was intentional strategy, and Japan is not preparing a serious response.

16. (C/NF) The Sea Shepherd anti-whaling group is now at sea with two vessels and expected to encounter the Japanese fleet this week. Both Watt and Williams said that the timing of the visit was unfortunate, with Japan likely to harpoon its first whale while Rudd is in Tokyo. Williams said that whaling is not the focus of the trip, but Australia will not shy away from it and will put it on the agenda. Watt said the GOA believes that activists are planning a significant escalation in the Southern Ocean this year, which will trigger greater public scrutiny on Australia's diplomatic efforts. Watt said the public focus, combined with perceived Japanese escalation, has pushed Rudd into Garrett's camp. Special Envoy Sandy Hollway is being prepped to travel to Tokyo in January, Watt said. Watt also said that as progress is unlikely over the holiday season, whaling is an issue that may come up in the AUSMIN meetings in mid-January.

CLUNE